

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

SEP 22 2005

JOHN F. CORCORAN, CLERK  
BY: *H. McDonald*  
DEPUTY CLERK

UNITED STATES OF AMERICA )  
 )  
 v. )  
 ) Crim. No. 4:03CR70134  
MONCILLO MURPHY )

**AMENDED ORDER OF FORFEITURE**

The United States of America, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure, and 21 U.S.C. § 853, has moved to amend the order of forfeiture previously issued in this case to include the sum of \$1,104.00 in U.S. Currency. In consideration of the motion and the entire record in this matter, the Court finds as follows.

On August 27, 2004, the Court entered a Final Order of Forfeiture providing for the forfeiture of any interest that Defendant Murphy has in any property which constitutes or is derived from proceeds traceable to the Title 21 violation to which Defendant pled guilty, and/or property that was used to facilitate said violation. The order of forfeiture also includes a money judgment in favor of the United States in the amount of \$200,000.00, which amount represents the value of the proceeds of the offense for which the defendant was convicted.

As a result, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853, the United States is entitled to an amended order forfeiture providing for forfeiture of the sum of \$1,104.00 in U.S. Currency which is currently in the custody of the Henry County Sheriffs Department. The \$1,104.00 is hereby forfeited to the United States as this sum represents proceeds of a violation of 21 U.S.C. § 846 and/or represents property that was used to

facilitate said violation. In the alternative, the sum constitutes substitute property to be applied to the money judgment.

It is further Ordered that the United States, and/or its designee, shall:

(a) seize and retain custody of the \$1,104.00 in U.S. Currency;

(b) pursuant to 21 U.S.C., § 853(n)(1), cause publication of this order and notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct. Said notice shall be published once in a newspaper of general circulation, the *Martinsville Bulletin*, 204 Broad Street, Martinsville, Virginia 24112. The notice shall state that any person, other than the Defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the court within thirty (30) days of the publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought;

(c) to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified;

It is further ORDERED that upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n) in which all interests will be addressed. If no claims are filed within 30 days of the final publication or receipt of actual notice, whichever is earlier, then, pursuant to 21 U.S.C. § 853(n)(7), this Order shall be deemed a final order of forfeiture and the United States Marshals Service, or any duly authorized law enforcement official, shall dispose of the \$1,104.00 forfeited hereunder according to law.

The Clerk of this Court shall certify copies of this Order to counsel of record.

ENTERED THIS 22<sup>nd</sup> DAY OF Sept., 2005.

  
UNITED STATES DISTRICT JUDGE